



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/506,426

02/02/2005

Robert Alexander Ventzki

085449-0149

1230

22428 7590 06/22/2010
FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER

HANDY, DWAYNE K

ART UNIT

PAPER NUMBER

1797

MAIL DATE

DELIVERY MODE

06/22/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 70-72, 74-79, 81-84, 87-91 and 93 are rejected under 35 U.S.C. 102(b) as being anticipated by Hayashizaki et al. (6,120,667). This rejection was maintained in the previous Office Action (mailed 11/24/09). It remains in effect. Please see Response to Arguments below.

3. Claims 70-72, 74-79, 81-84, 87 and 89-91 are rejected under 35 U.S.C. 102(b) as being anticipated by Wierzbowski et al. (US 2002/0168643). This rejection was maintained in the previous Office Action (mailed 11/24/09). It remains in effect. Please see Response to Arguments below.

4. Claims 70-76, 78, 82-84, 87-91 and 93 are rejected under 35 U.S.C. 102(b) as being anticipated by Desrosiers et al. (6,410,332). This rejection was maintained in the previous Office Action (mailed 11/24/09). It remains in effect. Please see Response to Arguments below.

Response to Arguments

5. Applicant's arguments filed 03/24/10 have been fully considered but they are not persuasive. Applicant has amended the claim to recite a separation medium contained in a joint space without compartments" and a "joint space". Applicant has then argued that these features are not taught by the prior art. The Examiner respectfully disagrees and submits that the joint space is simply the 3-dimensional space (2) surrounded by a boundary (2.1). The 3-dimensional space includes the separation material throughout the space. The Examiner submits that each of the prior art devices teaches this feature.

Each of the separation capillaries of Hayashizaki as shown in the Figures previously cited by the Examiner comprises a "joint space" that is filled with separation media. The capillaries extend in three dimensions and contain separation media. This is what the claim as written requires.

As for Wierzbowski, each of the sample wells of Wierzbowski comprises a "joint space" that is filled with separation media. The wells extend in three dimensions and contain separation media. This is what the claim as written requires.

As for Desrosiers, the sorbent trap (254) feature of Desrosiers. The sorbent traps are each a "joint space" that extends in three dimensions and contain separation media. This is what the claim as written requires.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DWAYNE K. HANDY whose telephone number is (571)272-1259. The examiner can normally be reached on M-F 11:00-7:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on (571)-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dwayne K Handy/
Examiner, Art Unit 1797

/Jill Warden/
Supervisory Patent Examiner, Art Unit 1797

June 17, 2010